HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

Dated 16th day of April, 2007

W.P.No.1778 of 1995

Between:

Paramanand Bhagchand Khilwani .. Petitioner

And

The Deputy Commissioner of Labour
and 2nd Appellate Authority under
Sec.48(3) of A.P Shops & Establishments Act, 1988
and two others .. Respondents

W.P.No.34606 of 1997

Between:

Paramanand Bhagchand Khilwani .. Petitioner

And

The Deputy Commissioner of Labour
and 2nd Appellate Authority under
Sec.48(3) of A.P Shops & Establishments Act, 1988
and two others .. Respondents

COMMON ORDER:

As the question of fact and law and the parties in these two writ petitions are one and the same, these matters are taken up together for disposal by this common order.

The petitioner is the employer and evidently the 3rd respondent, was his employee, who having worked for a period of 2½ years, approached the 2nd respondent i.e. the Assistant Commissioner of Labour, Adilabad and raised a dispute questioning the termination effected on 2.11.1992, and the 2nd respondent passed an Award ordering payment of compensation of Rs.7,325/- to the 3rd respondent-employee. When the petitioner-employer filed S.A.No.3 of 1994 seeking to set aside the Award, the 3rd respondent-employee also filed S.A.No.4 of 1994 seeking reinstatement into service with full backwages and attendant benefits, and the 1st respondent-Deputy Commissioner of Labour, Warangal, after hearing both sides, passed a common order dated 6.1.1995 directing the petitioner-employer to reinstate the 3rd respondent into service with full backwages and attendant benefits. Against this common order, the petitioner-employer has filed W.P.No.1778 of 1995. As the backwages were not determined, the petitioner-employer filed an application i.e. I.A.No.B1/4368/96 before the 1st respondent i.e. the Deputy

Commissioner of Labour, Warangal for determination of backwages, and the authority, by his order dated 10.4.1997, fixed backwages at Rs.69,552/-. Questioning the same, the petitioner-employer has filed W.P.No.34606 of 1997.

As these writ petitions are inter-related, this Court thought it fit to settle the dispute between the parties amicably on certain terms, and accordingly, directed both the counsel to get instructions from their respective clients. Today, when the matter is taken up, both the counsel have again made their submissions. However, having heard the learned counsel for both the parties and taking the totality of the circumstances into consideration, and in view of the fact that the 3rd respondent-employee has not established that he is without any employment all these years, this Court is of the considered opinion that an amount of Rs.30,000/-, in all, may be directed to be paid by the petitioner-employer towards compensation and the 3rd respondent-employee shall not insist upon reinstatement. If any amounts have already been paid, the same shall be given credit to. The said amount shall be paid by the petitioner-employer to the 3rd respondent-employee by way of Demand Draft within a period of six weeks from the date of receipt of a copy of this order.

With the above observation, these writ petitions are disposed of. No costs.

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16.04.2007

bcj